

**Invasives Workshop  
Session C Breakout Group  
Regulatory Approaches**

**Notes**

**Controlling Invasives at the Federal Level: Regulatory Approaches, Gaps, and Needs**

*Randy Westbrooks, US Geological Survey*

First line of defense- quarantine laws were started to protect crops, set up to do specific things- to protect crops, ensure agricultural capacity. Melaluca listing 'broke the dam' for listing other not crop threatening species

Second system- environmental protection laws vs. enabling laws which give the authority but do not mandate actions

The crop protection system is based on constituencies. Gaps in the system are illustrated by beach vitex- it is not covered by any existing mechanism so a new task force was needed

No 'native' to the US plant can be listed as a federal noxious weed list. The Plant Protection Act does not change this. There is difficulty in determining the definition of what is native.

There is a need for programs/task forces to fill in the gaps that legislation does not cover.

**Controlling Invasives at the State Level: Regulatory Approaches, Gaps, and Needs**

*Sherry Aultman, Department of Plant Industry, Clemson University*

The primary responsibility of DPI is to prevent the introduction of new plant pests, protect agriculture. The main charge is regulating nursery industry through inspection and certification.

DPI pest response: survey and outreach, mobilize if detected, traceback/traceforward, regulation- quarantine and regulate movement, monitor

Limitations: bound by law as written. The noxious weed list that resides with the dept. of agriculture applies to seed. There is a lack of constituent support for regulations.

Regulated plant pest list: Anything on the list is regulated. A species that is only a pest in some counties cannot be listed; they cannot enact a quarantine on anything that is not listed. A species has to be written into law as a noxious weed to get on the list. A species will not be put on the list unless it can be regulated state wide. If a plant is put on the list, it makes it illegal to sell in SC.

Proof of economic impact is needed to justify the spending of tax dollars to eradicate a species.

**Controlling Invasives at the Local Community Level: Case Studies, Challenges & Opportunities**

*Nicole Saladin, North Inlet-Winyah Bay NERR*

Reasons for approaching invasives at the local level: Many organizations are limited to working at the local level. Constituents care about what is happening within their own communities. Invasives may only be noxious at localized areas

Ordinances and programs that may provide opportunities:

Landscaping ordinances: good models exist, for new developments and county maintenance of public lands.

Storm water ordinances: native use less water and fertilizer and so protect water quality.

Landscape/business certification programs: find opportunities where people are already being trained to include education on invasives and natives as a part of the curriculum

Conservation development/LID: local rating programs could include restrictions/incentives

Local weed ordinances/community appearance boards: in some cases may discourage natives as looking too weedy

Local volunteer based boards/beautification committees: inform municipal officials and staff

HOAs/POAs: have monthly meetings- looking for projects

### **Innovation in Real Estate Policy: Addressing Invasives with Disclosure Requirements**

*Matt Nespeca, The Nature Conservancy*

There is already a process in place for protecting interests in the transfer of property. Due diligence and termite inspections must be done on structures. A similar model could be used for transfer of property.

Ecosystem service values: The true cost of an invasive- the cost to society and the individual landowner needs to be determined and factored into property values. Water quality/quantity issues- where do invasive plants fit in?

There is a gap between regulatory industry interest and the problem being too widespread to take on. Most invasive plant problems viewed as fixtures of the land. Other states have more 'hammers' legal authority to regulate weeds.

Examples of real estate value loss due to invasives: leafy spurge by 80%, hydrilla = lower lakefront values, costs to control can be more than value of land.

Plants that can be shown to cause instrumental damage to real estate value: kudzu, cogongrass, Chinese privet

Appraisal and environmental issues: rural appraiser can account for the cost/lost value due to an invasive during due diligence period. For example, a kudzu infestation may mask high risk problems that exist on the property.

Cogon grass example: Timber investment opportunities are often aware of problem. Forestry contracts may not be aware and may be overlapping in infested properties.

Strategies: develop models that estimate the impact of invasives on property values, make banking community aware of costs- often lenders dictate the due diligence process.

## **Discussion**

### **Barriers to regulating invasive species**

Under SC state noxious weed law, local ordinances that regulate invasive species are void. Wording of local ordinances must be chose carefully. Interstate commerce laws may also provide barriers to regulation.

At the local level, there is a lack of leadership.

There is a lack of knowledge/awareness. There are perceptions that native species are not attractive or are pest infested.

Regulations that would cover invasives are poorly written and outdated. The need for legislative approval before DPI can regulate a species is a barrier.

Scale issues: invasive are best controlled while still localized, but need to be a widespread problem before the state will support eradication.